

ZEICHNER ELLMAN & KRAUSE LLP

1211 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036
(212) 223-0400
FAX: (212) 753-0396
www.zeklaw.com

35 MASON STREET
GREENWICH, CT 06830
(203) 622-0900
FAX: (203) 862-9889

JANTRA VAN ROY
(212) 826-5353
jvanroy@zeklaw.com

103 EISENHOWER PARKWAY
ROSELAND, NJ 07068
(973) 618-9100
FAX: (973) 364-9960

January 14, 2016

VIA ECF

Chief Judge Carla E. Craig
U.S. Bankruptcy Court, EDNY
Conrad B. Duberstein Courthouse
271-C Cadman Plaza East - Suite 1595
Brooklyn, NY 11201-1800

In Re: Hypnotic Taxi LLC. et al.
Citibank v. Bombshell (Case No. 15-01185)

Dear Judge Craig:

We write in response to Mr. Berman's letter objecting to Citibank's proposed order.

With respect to the real estate entities, Mr. Freidman will be the garnishee. Pursuant to CPLR 6219, Mr. Freidman will be required to submit a statement of the value of any assets upon which the Marshal levies. Pursuant to the Order of Attachment the Marshal is capped at \$40 million. We submit that it is reasonable for Citibank and the Court to be able to assess the accuracy of the garnishee's statement of value. Citibank will not be on a position to assess the value of the properties unless it obtains access for an appraiser or broker to inspect them.

Citibank's initial submission in support of the attachment expressly sought disclosure under CPLR 6220, including the right to examine the individuals named in the proposed order. As Mr. Berman concedes, the right to such disclosure is statutory. It is intended to provide a plaintiff with information to assist the plaintiff in determining assets to attach. Moreover, the term "disclosure" in 6220 is broad enough to include making the properties available for inspection by an appraiser.

The need for including the U.S. Marshal in the Order is based upon the fact that the New York City Sheriff has advised us that his counsel believes that the Sheriff may not be permitted to enforce an order issued by a Federal Court. Thus, we may be unable to enforce the Order of Attachment unless the Marshal is specifically authorized to enforce it.

ZEICHNER ELLMAN & KRAUSE LLP

We thank the Court for its attention to this matter.

Very truly yours,

ZEICHNER ELLMAN & KRAUSE LLP

By: /s/ Jantra Van Roy
Nathan Schwed
Jantra Van Roy

cc: All Counsel by ECF